

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the RECEIVED

Middle District of Alabama

United States of America

v.

LEOBARDO ABIEL HERNANDEZ IZAGUIRRE

2020 FEB 13 A 11:39

Case No.

2:20-mj-37-JTA

DISTRICT ALA

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 11, 2020 in the county of Montgomery in the
Middle District of Alabama, the defendant(s) violated:

Code Section

Offense Description

21 USC 841(a)(1)

Violation of Controlled Substances Act

This criminal complaint is based on these facts:

Please see attached Affidavit which is incorporated by reference herein.

☒ Continued on the attached sheet.


Complainant's signature

CORY KROEGER Special Agent
 Printed name and title

Sworn to before me and signed in my presence.

Date:

2/13/20

City and state:

Montgomery, Alabama



Judge's signature

JERUSHA T. ADAMS, U.S. MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT

I, Cory Kroeger, Special Agent of the United States Department of Justice, Drug Enforcement Administration (DEA) being duly sworn, depose and state as follows:

1. I am a Special Agent with the Drug Enforcement Administration, and have been since June of 2018. Prior to becoming a Special Agent, I was employed by the Franklin (TN) Police Department for approximately ten and one half years. I have been employed in law enforcement for almost twelve years and worked exclusively on narcotics investigations for approximately four and one half years. I have investigated violations of federal criminal narcotics laws. As a DEA SA, I have participated in long-term, historical investigations of drug distribution organizations. I have been involved in the debriefing of defendants and others who had knowledge of the distribution and transportation of controlled substances and of the laundering and concealing of proceeds derived from drug dealing. Further, I have supervised or participated in physical surveillance, electronic surveillance, undercover transactions, controlled drug purchases, and the execution of search warrants.

2. On February 11, 2020, agents with the DEA Montgomery Resident Office (MRO) conducted surveillance on a Hispanic male, later identified as Leobardo Abiel HERNANDEZ IZAGUIRRE, who was staying inside room 318 at the Comfort Inn and Suites located at 1201 Towneplace Drive, Montgomery, Alabama. Based on previous intelligence and information provided by agents with the DEA Brownsville Resident Office, HERNANDEZ IZAGUIRRE was believed to be distributing kilogram quantities of cocaine in the Middle District of Alabama.

3. At approximately 1:09 p.m. CST, while HERNANDEZ IZAGUIRRE was known to be inside room 318, a black male was observed entering HERNANDEZ IZAGUIRRE's room while carrying a duffel type bag. Shortly after entering HERNANDEZ IZAGUIRRE's room, the black male was observed exiting HERNANDEZ IZAGUIRRE's room carrying a cream colored single strap backpack. The black male was then observed walking out the front of the Comfort Inn and Suites and getting into the driver's side of a red 1996 Nissan pickup truck bearing Alabama registration TKL136.

4. The black male was observed failing to stop at a stop sign as he turned right onto Carmichael Road from Towneplace Drive. A traffic stop was conducted by Montgomery Police Department K-9 Officer Jacob Boddie, and the driver was identified as Kevin Lavell Smith. A plain air sniff was conducted around Smith's vehicle by K-9 "Charter". K-9 "Charter" gave a positive indication to the odor of narcotics emitting from Smith's vehicle. A subsequent search of Smith's vehicle resulted in the discovery of approximately four (4) kilograms of a white powdery substance believed to be cocaine.

5. After the discovery of the suspected cocaine, Smith agreed to be interviewed at the Montgomery Police Department Special Operations Division. After being read his Miranda rights, Smith agreed to speak without an attorney present. During his interview with DEA TFO Patricia Hill, Smith stated that he had received the cocaine from a Hispanic male, known to agents as HERNANDEZ IZAGUIRRE, at the Comfort Inn within room 318. Smith additionally stated he provided the Hispanic male, HERNANDEZ IZAGUIRRE, two heat sealed bags containing United States Currency for the cocaine that he received.

6. Your Affiant applied for and obtained a federal search warrant for the Comfort Inn and Suites room 318, from United States Magistrate Judge Jerusha T. Adams [Case No. 2:20-mj-36-^{Tok}~~JTA~~]. The warrant was executed when HERNANDEZ IZAGUIRRE was observed beginning to exit room 318. HERNANDEZ IZAGUIRRE was in possession of a black backpack and a roller duffel bag both of which were found to contain an undetermined amount of rubber banded United States currency (USC). Agents believed there was approximately \$100,000 in USC in the possession of HERNANDEZ IZAGUIRRE which, based on your affiant's training, knowledge and experience, is consistent with the cost associated with the sale of four (4) kilograms of cocaine. HERNANDEZ IZAGUIRRE was also in possession of two (2) cellular telephones one of which agents had been receiving geo-location data from. HERNANDEZ IZAGUIRRE was taken into custody for the distribution of cocaine to Smith.

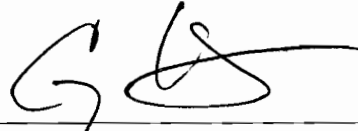
7. Agents processed the evidence found during the traffic stop on Smith at the Montgomery Police Department. There were approximately four (4) kilograms of cocaine.

8. On February 12, 2020, at approximately 1:05 p.m., your affiant and DEA TFO Jim Ranson travelled to the Montgomery Police Department Special Operations Division to conduct a presumptive field test on the evidence seized from Smith on February 11, 2020. The presumptive field test indicated a positive result for cocaine.

9. Cocaine is a Schedule II controlled substance.

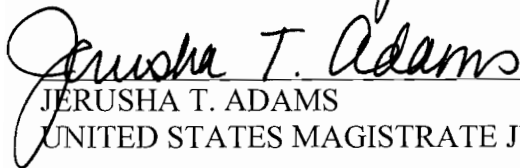
10. Montgomery, Alabama is located within the Middle District of Alabama.

11. Based on the information set forth above, there is probable cause to believe that, on or about February 11, 2020, in Montgomery, Alabama, Leobardo Abiel HERNANDEZ IZAGUIRRE did possess cocaine with the intent to distribute, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).



Special Agent Cory Kroeger
Drug Enforcement Administration

Sworn to and subscribed before me this
13th day of February, 2020.


JERUSHA T. ADAMS
UNITED STATES MAGISTRATE JUDGE